

PATTON BOGGS LLP
ATTORNEYS AT LAW

RECEIVED
FEC MAIL ROOM
2000 JUL 20 P 1:54

2550 M Street, NW
Washington, DC 20037-1350
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

July 20, 2000

Benjamin L. Ginsberg
202-457-6405
bginsberg@pattonboggs.com

VIA COURIER

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

JUL 20 3 03 PM '00

Re: MUR 5026: Zimmer 2000, Inc., and
Maria H. Chappa, as Treasurer

Dear Mr. Noble:

This letter responds to the June 15, 2000 Federal Election Commission ("the Commission") letter notifying our client, Zimmer 2000, Inc., and Maria H. Chappa as Treasurer, of a complaint filed by the Democratic Congressional Campaign Committee ("DCCC") in the above referenced Matter Under Review ("MUR"). The complaint has no legal basis and appears to be nothing more than a political effort to create a general election controversy. After all, complainant DCCC filed this action as the result of the Republican primary. None of the facts alleged involve its candidates.

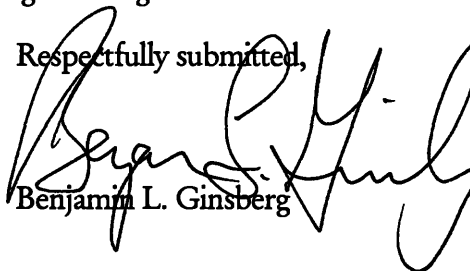
The complaint should be dismissed as a matter of law. The complaint does not allege nor does it offer any evidence that the advertisements at issue contained express advocacy. On this basis alone, the Commission should dismiss the complaint and take no further action. Moreover, the coordination allegations contained in the complaint do not rise to the level held by the district court in *FEC v. Christian Coalition*, 52 F. Supp. 2d 45 (D.D.C. 1999) necessary to convert issue advocacy advertisements into campaign contributions or excessive contributions. The complaint does not make any allegations or present any evidence that the campaign and Citizens for Tax Reform engaged in any negotiations or had substantial contacts concerning the advertisements at issue. In fact, John Sheridan, the spokesman for Citizens for Tax Reform, is quoted in the articles attached to the complaint as specifically denying any connection to the Zimmer campaign.

25044123622

Lawrence M. Noble, Esq.
July 20, 2000
Page 2

Accordingly, the Commission should dismiss the complaint and take no further action. This complaint is nothing more than an effort by the opposition party to score political points by using the enforcement process as a vehicle for generating headlines.

Respectfully submitted,



Benjamin L. Ginsberg

Enclosure: Statement of Designation of Counsel